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DEC 28 1959
JAMES R. BROWNING, Clerk

IN THE

Supreme Court of the United States

OCTOBER TERM, 1959

No. 480

LOCAL 135, INTERNATIONAL BHOTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA, AFL-CIO,

Petitioner,

v.

NATIONAL LABOR RELATIONS BOARD,

Respondent.

MOTION

For Leave to File a Petition for Rehearing of Order Denying Petition for Certiorari.

PETITION

For Rehearing of Order Denying Petition for Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit.

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INDEX

Page

Motion for leave to file a petition for rehearing of order denying petition for writ of certiorari 1

Petition for rehearing of order denying petition for writ of certiorari to the United States Court of Appeals for the Seventh Circuit 3

Reasons for granting rehearing and issuing the writ 4

Conclusion 5

Certificate of counsel 5

Case Cited

Communication Workers of America v. National Labor Relations Board, Case No. 418, — U.S. —, 4 L. ed. (2d) 150 ..... 2, 4

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LOCAL 135, INTERNATIONAL BHOTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA, AFL-CIO,

Petitioner,

v.

NATIONAL LABOR RELATIONS BOARD,

Respondent.

MOTION FOR LEAVE TO FILE A PETITION FOR REHEARING OF ORDER DENYING PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully moves for leave to file the annexed Petition For Rehearing of the order of this Court

denying the Petition for Writ of Certiorari in this case, entered on December 7, 1959. Rehearing is sought at this time because this Court granted a Writ of Certiorari in the case of *Communication Workers of America* v. *National Labor Relations Board*, *Case No. 418*, — U.S. —, 4 L. ed. (2d) 150, on November 16, 1959, a case presenting a similar issue.

Respectfully submitted,

Edward J. Fillenwarth

EDWARD J. FILLENWARTH,
1212 Merchants Bank Bldg.,
Indianapolis 4, Indiana,
Attorney for Petitioner.

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1959

No. 480

LOCAL 135, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA, AFL-CIO,

Petitioner,

v.

NATIONAL LABOR RELATIONS BOARD,

Respondent.

PETITION FOR REHEARING OF ORDER DENYING PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Petitioner prays that this Court grant a Rehearing of its Order of December 7, 1959, denying the Petition for Certiorari, — U.S. —, and that a Writ of Certiorari issue to review the judgment of the Court of Appeals for the Seventh Circuit entered in the above entitled action, as

prayed for in the Petition filed herein on the 16th day of October, 1959.

REASONS FOR GRANTING REHEARING AND ISSUING THE WRIT

On November 16, 1959, this Court granted a Petition For Writ of Certiorari in the case of *Communication Workers of America* v. *National Labor Relations Board, Case No. 418*, — U.S. —, 4 L. ed. (2d) 150. In that case, as in the case at bar, the petitioner sought review of an order of the National Labor Relations Board ordering petitioners to cease and desist from engaging in certain unfair labor practices, not only with reference to the particular employer involved in that proceeding, but also with reference to "*any other employer.*" The propriety of this type of order was the first issue raised in the original Petition in the case at bar (pp. 12-14, Points 1 and 2).

CONCLUSION

For the reasons set forth above it is respectfully urged that Rehearing be granted and that upon such Rehearing a Writ of Certiorari issue to the Court of Appeals for the Seventh Circuit.

Respectfully submitted,

Edward J. Fillenwarth

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Certificate of Counsel

I hereby certify that the foregoing Petition For Rehearing is presented in good faith and not for delay, and that said Petition is restricted to the grounds above specified.

Edward J. Fillenwarth

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